

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SCHNUCK MARKETS, INC.,)
Plaintiff,)
v.)
FIRST DATA MERCHANT DATA) Case No. 4:13CV2226 JAR
SERVICES CORP., and)
CITICORP PAYMENT SERVICES, INC.)
Defendants.)

**PLAINTIFF/COUNTERCLAIM DEFENDANT SCHNUCKS' MOTION
FOR LEAVE TO FILE OVER LENGTH MEMORANDUM**

Plaintiff/Counterclaim Defendant Schnuck Markets, Inc. ("Schnucks"), by and through its undersigned attorneys, moves for leave to file an over length Joint Memorandum in Opposition to Defendants/Counterclaim Plaintiffs' Motion for Judgment on the Pleadings and in Support of Schnucks' Cross-Motion for Judgment on the Pleadings.

1. Local Rule 7-4.01(D) provides that a memorandum brief may not exceed fifteen (15) pages without leave of court.

2. Schnucks Memorandum of Law serves the dual purpose of both (1) opposing Defendants/Counterclaim Plaintiffs' Motion for Judgment on the Pleadings, and (2) supporting Schnucks' Cross-Motion for Judgment on the Pleadings.

3. In lieu of filing duplicative Memoranda both in opposition and in support of the Cross-Motions for Judgment on the Pleadings, Schnucks has been able to accomplish both in one Memorandum by exceeding the page limit by only 4 pages (exclusive of the signature block and certificate of service).

4. To fully and efficiently set forth all arguments in support of Schnucks' Motion for Judgment on the Pleadings and all (but similar) arguments in opposition to Defendants' Cross-Motion for Judgment on the Pleadings, it was necessary for Schnucks to exceed the fifteen (15) page limitation.

WHEREFORE, Schnucks respectfully seeks leave of Court to file an over length Joint Memorandum in Opposition to Defendant/Counterclaim Plaintiffs' Motion for Judgment on the Pleadings and Memorandum in Support of its Cross-Motion for Judgment on the Pleadings.

Dated: June 9, 2014

Respectfully submitted,

By: /s/ Kevin F. Hormuth
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Attorneys for Plaintiff Schnuck Markets, Inc.

CERTIFICATE OF SERVICE

I certify that on the 9th of June, 2014, the foregoing *Memorandum in Opposition to Defendant's Motion for Judgment on the Pleadings* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

By: _____ /s/ Kevin F. Hormuth
Kevin F. Hormuth